

Patent
262/118
OI7011452001

REMARKS

Amendments to claims 1, 23, 49, 58, 63, 70, and 71 are for the purpose of clarifying what Applicants regard as the invention. No new matter has been added.

Claims 1-3, 7, 8, 10, 11, 13-15, 21-27, 30-32, 34, 35, 37-57, 63, 65, 67, 68, 70-72, 75, 77, 78, 80-89, and 91 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,205,481 (Heddaya) in view of U.S. Patent No. 6,742,033 (Smith).

Applicants wish to thank the Examiner for conducting the telephonic interview dated May 24, 2005. Based on the discussion with the Examiner, claim 1 has been amended to recite prefabricating a page, wherein the prefabricating is not in response to a request for the page by a user, and wherein the act of prefabricating the first page comprises querying a database to obtain cached data, processing the data received from the database, and packaging information associated with the data in a prescribed format. Claims 23, 49, 63, 70, and 71 each recites a similar limitation. Applicants agree with the Examiner that Heddaya does not disclose or suggest prefabricating a page not in response to a request for the page by a user. As discussed with the Examiner, Smith also does not disclose or suggest the above limitations. In particular, the cited passage (column 5, line 56 to column 6, line 18, and figures 3 and 4) of Smith discloses:

For example, the system may monitor when a user is accessing the internet and when the user is not. If the user never accesses the internet between 9 a.m. and 6:30 p.m., the system may decide that there is no need to pre-cache content between 9 a.m. and, say, 5:30 p.m. This approach saves server time, conserves cache space, and reduces the risk of conflicting with the user's use of the telephone.

The system may also observe the user's selection of internet sites and content for viewing to determine *what content should be cached* and at what times. If the Sports Channel is only accessed after 10 p.m. and the Financial Channel is only accessed between 8:00 a.m. and 9:00 a.m., sports content need not be cached either

Patent
262/118
OI7011452001

early in the morning or during the day, and financial content need only be cached early in the morning. This approach saves server time by shortening the download time, as well as conserving cache or memory space on the client system. This approach further reduces the risk of interfering with the user's telephone, and downloads time-sensitive content as close as possible to the user's expected access times.

The system may also track the user's selection of content to determine the level of interest in a given content type (e.g., sports, finance, stocks, bonds, news flashes, special sales). Some content types may be selected more often than other types and the pattern of selection may change depending on the time of day. This information is used to prioritize content for caching so that the content of greatest interest to the user is downloaded first and the content of least interest to the user is downloaded last. Thus, if a download is interrupted or terminated, there is less detriment to the user.

As such, the cited passage discloses downloading information from internet sites, and pre-caching such information, and does not disclose or suggest prefabricating a page, wherein the act of prefabricating the first page comprises querying a database to obtain cached data, processing the data received from the database, and packaging information associated with the data in a prescribed format. Also, according to column 7, line 62 to column 8, line 7 of Smith, downloaded information is pre-cached into a memory or a storage device, from which a user can access the downloaded information. However, the passage does not disclose or suggest packaging the downloaded information, wherein the act of prefabricating the first page comprises querying a database to obtain cached data, processing the data received from the database, and packaging information associated with the data in a prescribed format. In fact, Applicants note that there is nothing in Smith that disclose or suggest packaging the information after downloading the information, even less, prefabricating a page to produce a prefabricated page (e.g., packaging the information to form a page) as recited in the claims. Since Heddaya and Smith both do not disclose or suggest the above limitation, they cannot be combined to form the resulting subject matter of claims 1, 23, 49, 63, 70, and 71. For at least the foregoing reason,

Patent
262/118
OI7011452001

claims 1, 23, 49, 63, 70, 71 and their respective dependent claims are believed allowable over Heddaya, Smith, and their combination.

Claims 6, 9, 19, 28, 36, 58-62, 64, 74, 76, and 90 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heddaya and Smith in further view of U.S. Patent No. 6,092,192 (Reiche). Claims 6, 9, 19, 28, 36, 64, 74, and 76 are believed allowable for at least the reason that their respective independent claims are allowable over Heddaya, Smith, and their combination.

Claim 58 recites prefabricating a first page to produce a first prefabricated page, wherein the prefabricating is not in response to a request for the first page by a user, and wherein the act of prefabricating the first page comprises querying a database to obtain cached data, processing the data received from the database, and packaging information associated with the data in a prescribed format. As discussed, Heddaya and Smith do not disclose or suggest such limitation. However, Reiche also fails to make up the deficiency present in Heddaya and Smith. As the Examiner correctly pointed out in the previous office action, Reiche discloses receiving an information request from a user, and providing a page in response to the request. As such, Reiche teaches away from prefabricating a first page, wherein the prefabricating is *not* in response to a request for the first page by a user. For at least the foregoing reason, claim 58 and its dependent claims are believed allowable over Heddaya, Smith, Reiche, and their combination.

Patent
262/118
OI7011452001

CONCLUSION

Based on the foregoing, all remaining claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7011452001. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7011452001.

Respectfully submitted,
Bingham McCutchen LLP

Dated: June 9, 2005

By: 

Gerald Chan
Registration No. 51,541

BINGHAM McCUTCHEN LLP
Three Embarcadero Center, Suite 1800
San Francisco, CA 94111-4067
Telephone: (650) 849-4960
Telefax: (650) 849-4800